

Application No. : 10/658,538
Art Unit : 3765

Attorney Docket No. 23256.00
Confirmation No. 1950

REMARKS

By the present amendment, Applicant has amended Claims 1, 6, 9 and 11, canceled Claims 2, 5, 7 and 8, and added Claims 12 and 13. Claims 1, 3, 4, 6 and 9-13 remain pending in the present application. Claims 1, 9 and 11 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held July 21, 2004. Present at the interview were Examiner G. Welch and Attorney L. Babu. The present response summarizes the agreement reached. Prior to the interview a proposed amendment was presented to the Examiner for review. Proposed amended independent Claims 1, 9 and 11 set forth the feature of Applicant's drum glove wherein plural elastic bands are defined as extending diagonally across the palm covering. During the interview, arguments were advanced that the prior art of record failed to disclose this essential feature of Applicant's claimed invention. The Examiner agreed that Romandetto's elastic bands are only attached to the finger portions, and further noted that the prior art of record does not disclose the combination of original Claims 1 and 2., or suggest the claimed limitations of Claim 9. Claims 9 and 11 were discussed and it was agreed that the term "adapted" would be deleted. The Examiner's indication that the claims incorporating the changes discussed at the interview would be allowable, pending an updated search, is noted with appreciation.

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In the recent Office Action the Examiner rejected Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Romandetto (U.S. Patent No. 5,018,221) in view of Helenick (U.S. Patent No. 6,141,801). This rejection is respectfully traversed as it applies to the claims presently under examination.

Applicant has amended the claims in compliance with the agreement reached at the aforementioned interview, which should serve to obviate the prior art grounds of rejection of record. Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Independent Claim 1 has been amended to incorporated the subject matter of original Claim 2. Thus, amended independent Claim 1 defines, in part, a drum glove for holding a drumstick that includes a sheath having a palm covering, a plurality of open-ended tubular finger sleeves extending from the sheath, including an index finger sleeve, at least one elastic band extending diagonally across the palm covering for retaining the drumstick to the glove, and an additional elastic band attached to the index finger sleeve for retaining the drumstick to the glove. Similarly, amended independent Claim 9 is directed to a drum glove comprising, in part, a sheath having a palm covering, a plurality of open-ended tubular finger sleeves, including an index finger sleeve, first and second elastic bands extending diagonally across the palm covering, and a third elastic band attached to the index finger sleeve. Amended independent Claim 11 is drawn to pair of drum gloves comprising a first glove corresponding the glove defined in Claim 9 and a

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second drum glove, including at least one elastic band extending diagonally across the palm covering of the second sheath. New dependent Claim 12 corresponds to the embodiment of Applicant's invention shown in Fig. 1, and new dependent Claim 13 corresponds to the pair of drum gloves shown in Fig. 3.

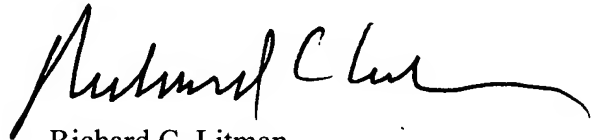
Applicant contends that none of the references cited or relied upon of record, taken alone or in combination, disclose or reasonably suggest a drum glove or pair of drum gloves having the combination of structural features defined by the present claims. As discussed at the interview, the primary reference to Romandetto discloses a glove having elastic segments attached to each finger sleeve, whereby an object held by the glove is extended "from the right side of the first forefinger to the left side of the fourth forefinger in between the middle and lower joints of each respective forefinger (col. 4, lines 40-42). Clearly, Romandetto's protective glove is structurally and functionally unrelated to Applicant's presently claimed drum glove. Moreover, the secondary reference to Helenick is directed to the non-analogous art of thermal gloves and fails to supplement the apparent deficiencies of Romandetto. Thus, one of ordinary skill in the art without the benefit of Applicant's own disclosure would not be capable of arriving at the presently claimed invention by combining the references in the manner suggested by the Examiner. For at least these reasons and for those which form the basis for the agreement reached at the interview, Applicant respectfully submits that independent Claim 1, 9 and 11, as amended, and corresponding dependent Claims 3- 4, 6, 10 and 12-13 are allowable over the prior art of record.

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For the foregoing reason, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Litman", with a long horizontal flourish extending to the right.

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RCL:DHT/lxb